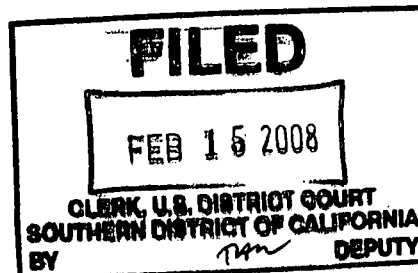


AUSA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mariano GARCIA-Barrera,

Defendant.

Mag. Case No.

'08 MJ 8140

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)  
Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about February 14, 2008, within the Southern District of California, defendant Mariano GARCIA-Barrera with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Constantino Escamilla-Ortiz, Antonio VALENZUELA-Gonzalez, and Guillermo MATA-Valles had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Marco A. Miranda  
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY OF  
FEBRUARY 2008.

PETER C. LEWIS  
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Mariano GARCIA-Barrera

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative  
6 reports by the apprehending agents, S. Carter, A. Mills, M. Hernandez, and S. Templin that on  
7 February 14, 2008, the defendant, Mariano GARCIA-Barrera an illegal alien, was apprehended in  
8 Calexico, California, as the driver of a tan 2000 Dodge Intrepid, as he smuggled five (5)  
9 undocumented aliens from Mexico, in violation of law.

10 On February 14, 2008, at approximately 6:55 a.m., while conducting surveillance near the  
11 Calexico, California East Port of Entry. Agent Carter observed several suspected illegal aliens  
12 running north. Agent Carter notified other agents and continued surveillance on the suspected  
13 illegal aliens. The group continued north until arriving to a chain link fence and laying down on  
14 the ground. One of the subjects stood up and ran back south into Mexico. Several minutes later,  
15 the group of suspected illegal aliens climbed over the chain link fence and waited beside the  
16 southbound lanes of the Port of Entry. A maroon Dodge Intrepid, traveling on the southbound  
17 lanes stopped near the group. Agent Carter observed the group board the Intrepid. The driver,  
18 later identified as Mariano GARCIA-Barrera, made a u-turn and began traveling northbound  
19 from the Port of Entry. Agent Carter informed agents of his observations and the direction of  
20 travel of the Intrepid.

21 Agent Carter followed GARCIA northbound on Menvielle Road. GARCIA turned  
22 eastbound on Highway 98. Agent Carter followed GARCIA eastbound on Highway 98 towards  
23 Highway 7. As GARCIA passed the intersection of Highway 98 and Highway 7, Agent  
24 Hernandez followed GARCIA.

25 Agent Hernandez continued following GARCIA eastbound on Highway 98. GARCIA  
26 turned northbound on Keffer Road. Agent Hernandez activated his service vehicle's emergency  
27 equipment consisting of lights and siren. GARCIA failed to yield and continued driving  
28 northbound on Keffer Road. Agent Mills, who was positioned on Keffer Road approximately  
29 one mile north of Highway 98, successfully deployed the Controlled Tire Deflation Device.

1 GARCIA continued traveling northbound for approximately one hundred yards and attempted to  
2 make a sharp right turn onto a field road. GARCIA lost control of the vehicle and rolled over  
3 into an open agricultural field.

4 Agents approached the Dodge Intrepid and observed five individuals lying on the ground  
5 surrounding the Intrepid. Agent Carter approached the driver's side door and saw Maiano  
6 GARCIA-Barrera, still seated behind the steering wheel.

7 At the hospital, Agent Templin identified himself as a United States Border Patrol Agent  
8 to each of the five suspected illegal aliens. Agent Templin questioned all of the five subjects  
9 regarding their citizenship. All five subjects claimed to be citizens of Mexico illegally in the  
10 United States. Agent Templin placed all five subjects under arrest. Agent Carter identified  
11 himself as a United States Border Patrol Agent to GARCIA and questioned him as to his  
12 citizenship. GARCIA claimed to be a citizen of Mexico illegally in the United States. Agent  
13 Carter placed GARCIA under arrest for Alien Smuggling.

14 At the station, Agent Hernández advised Mariano GARCIA-Barrera of his Miranda rights  
15 in the Spanish language.

16 Material Witnesses, Constantino ESCAMILLA-Ortiz, Antonio VALENZUELA-  
17 Gonzalez, and Guillermo MATA-Valles stated they are citizens of Mexico illegally in the United  
18 States. Constantino ESCAMILLA-Ortiz, Antonio VALENZUELA-Gonzalez, and Guillermo  
19 MATA-Valles, stated they crossed the United States/Mexico International border illegally by  
20 using a foot guide, who guided them across the border and led them to a fence into the United  
21 States, where they were picked up by a car. Constantino ESCAMILLA-Ortiz, Antonio  
22 VALENZUELA-Gonzalez, and Guillermo MATA-Valles, were shown a six pack photo line up  
23 and positively identified Mariano GARCIA-Barrera as the driver of the vehicle.

24 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Constantino ESCAMILLA-Ortiz,	Mexico
Antonio VALENZUELA-Gonzalez,	Mexico
Guillermo MATA-Valles	Mexico

1 Further, complainant states that Constantino ESCAMILLA-Ortiz, Antonio  
2 VALENZUELA-Gonzalez, and Guillermo MATA-Valles, are citizens of a country other than the  
3 United States; that said aliens have admitted that they are deportable; that their testimony is  
4 material, that it is impracticable to secure their attendance at the trial by subpoena; and they are  
5 material witnesses in relation to this criminal charge and should be held or admitted to bail  
6 pursuant to Title 18, United States Code, Section 3144.